



European Patent Office
80298 MUNICH
GERMANY
Tel.: +49 89 2399 - 0
Fax: +49 89 2399 - 4465

Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Arends, William Gerrit
Lloyd Wise
Commonwealth House
1-19 New Oxford Street
London WC1A 1LW
GRANDE BRETAGNE



EPO Customer Services
Tel.: +31 (0)70 340 45 00

Date
10.07.07

Reference WA/48771	Application No./Patent No. 07075291.0 - 2318
Applicant/Proprietor NDO Surgical, Inc.	

Communication

The extended European search report is enclosed.

The extended European search report includes, pursuant to Rule 44a EPC, the European search report (R. 44 EPC) or the partial European search report/declaration of no search (R. 45 EPC) and the European search opinion.

Copies of documents cited in the European search report are attached.

1 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

Abstract

Title

the Abstract was modified and the definitive text is attached to this communication.

The following figure will be published together with the abstract: 46A

Refund of the search fee

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





Bescheid/Protokoll (Anlage)		Communication/Minutes (Annex)		Notification/Procès-verbal (Annexe)	
Datum Date Date	cf Form 1507	Blatt Sheet Feuille	1	Anmelde-Nr.: Application No.: 07 075 291.0 Demande n°:	

The examination is being carried out on the **following application documents**:

Description, Pages

1-62 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/55-55/55 as originally filed

1. Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

D1: US-A-5 403 326 (HARRISON MICHAEL R [US] ET AL) 4 April 1995 (1995-04-04)

D2: WO 99/22649 A (SYMBIOSIS CORPORATION) 14 May 1999 (1999-05-14)

D3: US-A-5 897 562 (BOLANOS ET AL.) 27 April 1999 (1999-04-27)

D4: EP-A1-0 593 920 (UNITED STATES SURGICAL CORP [US]) 27 April 1994 (1994-04-27)

2. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claims 1-10 is not new in the sense of Article 54(1) and (2) EPC.



DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (IPC)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	US 5 403 326 A (HARRISON MICHAEL R [US] ET AL) 4 April 1995 (1995-04-04) * abstract; figures 8a,8c * * column 5, line 53 - column 7, line 59 * -----	1-10	INV. A61B17/064 A61B17/068
X	WO 99/22649 A (SYMBIOSIS CORPORATION) 14 May 1999 (1999-05-14) * figures 1,11-15 * * page 23, line 12 - page 24, line 20 * * page 21, lines 4-16 * -----	1-8,10	
X	US 5 897 562 A (BOLANOS ET AL.) 27 April 1999 (1999-04-27) * abstract; figures * * column 5, line 9 - column 9, line 65 * -----	1-8,10	
X	EP 0 593 920 A1 (UNITED STATES SURGICAL CORP [US]) 27 April 1994 (1994-04-27) * figures 1,8 * * column 4, lines 54-57 * * column 2, lines 12-15 * * column 2, lines 28-36 * * column 5, lines 31-39 * * column 10, lines 42-54 * -----	1-4,8	TECHNICAL FIELDS SEARCHED (IPC)
A	WO 89/11827 A (NIERMAN DAVID M [US]) 14 December 1989 (1989-12-14) * abstract; figures 5,6 * -----	1,11	A61B
The present search report has been drawn up for all claims			
3	Place of search	Date of completion of the search	Examiner
	Munich	29 June 2007	Louka, Maria
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technical background O : non-written disclosure P : intermediate document			
T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons a : member of the same patent family, corresponding document			



Bescheid/Protokoll (Anlage)		Communication/Minutes (Annex)		Notification/Procès-verbal (Annexe)	
Datum Date Date	cf Form 1507	Blatt Sheet Feuille	3	Anmelde-Nr.: Application No.: Demande n°:	07 075 291.0

generally **transverse to the first plane**" are not disclosed or implied by any of the available prior art documents, these features have been used in the parent application 943084.4 for the argumentation supporting the grant and double patenting should be avoided.



DOCUMENTS CONSIDERED TO BE RELEVANT		Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
Category	Citation of document with indication, where appropriate, of relevant passages		
X	US 5 403 326 A (HARRISON MICHAEL R [US] ET AL) 4 April 1995 (1995-04-04) * abstract; figures 8a,8c * * column 5, line 53 - column 7, line 59 * -----	1-10	INV. A61B17/064 A61B17/068
X	WO 99/22649 A (SYMBIOSIS CORPORATION) 14 May 1999 (1999-05-14) * figures 1,11-15 * * page 23, line 12 - page 24, line 20 * * page 21, lines 4-16 * -----	1-8,10	
X	US 5 897 562 A (BOLANOS ET AL.) 27 April 1999 (1999-04-27) * abstract; figures * * column 5, line 9 - column 9, line 65 * -----	1-8,10	
X	EP 0 593 920 A1 (UNITED STATES SURGICAL CORP [US]) 27 April 1994 (1994-04-27) * figures 1,8 * * column 4, lines 54-57 * * column 2, lines 12-15 * * column 2, lines 28-36 * * column 5, lines 31-39 * * column 10, lines 42-54 * -----	1-4,8	TECHNICAL FIELDS SEARCHED (IPC)
A	WO 89/11827 A (NIERMAN DAVID M [US]) 14 December 1989 (1989-12-14) * abstract; figures 5,6 * -----	1,11	A61B
The present search report has been drawn up for all claims			
3	Place of search Munich	Date of completion of the search 29 June 2007	Examiner Louka, Maria
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document			
T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ----- & : member of the same patent family, corresponding document			

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 07 07 5291

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EPO file on. The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

29-06-2007

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
US 5403326	A	04-04-1995		NONE		

WO 9922649	A	14-05-1999	AT AU AU CA CN DE EP JP US US	334626 T 752372 B2 1295499 A 2274759 A1 1243426 A 69835420 T2 0969770 A2 2001507615 T 6312437 B1 6086600 A	15-08-2006 19-09-2002 24-05-1999 14-05-1999 02-02-2000 29-03-2007 12-01-2000 12-06-2001 06-11-2001 11-07-2000	

US 5897562	A	27-04-1999		NONE		

EP 0593920	A1	27-04-1994	AU AU CA DE DE JP JP US	669560 B2 4753193 A 2106242 A1 69319827 D1 69319827 T2 2983807 B2 6197902 A 5485952 A	13-06-1996 31-03-1994 24-03-1994 27-08-1998 24-12-1998 29-11-1999 19-07-1994 23-01-1996	

WO 89111827	A	14-12-1989	AU US	3768889 A 4880015 A	05-01-1990 14-11-1989	
